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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/830,319	09/14/2001	Perry F. Bartlett	37921-151292	6689	
23973	7590 07/02/2003				
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ONE LOGAN 18TH AND C	I SQUARE HERRY STREETS		NICHOLS, CHR	NICHOLS, CHRISTOPHER J	
PHILADELPHIA, PA 19103-6996			ART UNIT	PAPER NUMBER	
			1647	11	
			DATE MAILED: 07/02/2003	$\mathcal{U}/$	

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.    Application   Application						
Examin r Christopher Nichols, Ph.D. 1447		Application No.	Applicant(s)			
Christopher Nichols, Ph.D.	Office Action Summers	09/830,319	BARTLETT ET AL.			
- Th MALING DATE of this communication appears on the cover sheet with th correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  E-bitments of the many be variable under the provisions of 3 CPR 1.15(4), in no event, however, may a reply be timely filed  E-bitments of the many be variable under the provisions of 3 CPR 1.15(4), in no event, however, may a reply be timely filed  E-bitments of the many be variable under the provisions of 3 CPR 1.15(4), in a cevent, however, may a reply be timely filed  E-bitments of the many be variable under the manual page of will supply to 3 (4) MONTHS from the natiling date of this communication for reply is specified above, the insulinary state of the polyidarion become APAROCHED (35 U.5. § 133).  Any reply received by the Office later than finter months after the maling date of this communication, even if tendy filed, may reduce any extend a provision of the communication of the communic	Office Action Summary	Examin r	Art Unit			
Period for Repty  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Start SX (6) MONTH'S from the railing date of this communication.  - If the period for reply specified above, the nearment stability previous will require the statutory minimum of thisty (30) deys will be considered timely.  - If NO period for reply a specified above, the nearment stability period will apply and will regime SX (6) MONTH'S from the mailing date of this communication.  - Any reply recived by the Office alter then there mention stability apply and will again SX (6) MONTH'S from the mailing date of this communication.  - Any reply recived by the Office alter then there mention start the mailing date of this communication, even if timely field, may reduce any restrict term squared patient term adjustment. See 37 CFR 1.764(b).  Status  1)	The SMALLING DATE of this account of	·	1			
THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be valiable under the providence of 37 CFR 1.13(e), in no event, however, may a raply be timely flied after SN (6) MCNTHS from the mailing date of this communication.  **Fallow SN (6) MCNTHS from the mailing date of this communication of the state of the communication of the state of the communication.  **Fallow to reply within the set or extended pointed for reply vill. by statute, cause the application to become ARANDONED (35 U.S. 5 133).  **Any reply received by the Office alter than three membra date the mailing date of the communication, even if Tumely flied, may reduce any  **Any reply received by the Office alter than three membra date the mailing date of the communication, even if Tumely flied, may reduce any  **Status**  1) **Experiment of the Status**  **This action is FINAL.**  2b) **Experiment**  11 **Experiment**  2a) **This action is FINAL.**  2b) **Experiment**  12 **Experiment**  11 **Experiment**  12 **Experiment**  12 **Experiment**  13 **Experiment**  14 **Experiment**  15 **Experiment**  16 **Claim(s) 1-20 is/are pending in the application.  4a) **Of the above claim(s) is/are withdrawn from consideration.  5b) **Claim(s) 1-20 is/are allowed.**  6c) **Claim(s) 1-20 are subjected to.  3b) **Claim(s) 1-20 are subjected to.  3b) **Claim(s) 1-20 are subject to restriction and/or election requirement.  Application Papers  9c) **The drawing(s) filed on 1 is/are: allowed.**  Application Papers  9c) **The drawing(s) filed on 1 is/are: allowed.**  11 **In the proposed drawing correction filed on 1 is/are: allowed.**  12 **Experiment**  13 **Experiment**  14 **Deproved, corrected drawings are required in reply to this Office action.  12 **Craim(s) 1 **Deproved, corrected drawings are required in reply to this Office action.  12 **Craim(s) 1 **Deproved, corrected drawings are required in reply to this Office action.  13 **Craim(s) 2 **Deproved, corrected drawings are required in reply to this Office action.  14 **Deproved, corrected drawing	Th MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply					
2a)  This action is FINAL. 2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-20 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) is/are allowed.  6) Claim(s) is/are allowed.  7) Claim(s) is/are objected to.  8) Claim(s) is/are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12) The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some C) None of:  1. Certified copies of the priority documents have been received in Application No.  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(b) (to a provisional application).  a) The translation of the foreign language provisional application has been received.  15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 120 and/or 121.	THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).					
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	2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) Notice of Informal F				



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## **DETAILED ACTION**

## Election/Restrictions

- 1. Restriction is required under 35 U.S.C. 121 and 372.
- 2. This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.
- 3. In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group 1, claim(s) 1 and 4-13 (each in part), drawn to a method of facilitating regeneration, growth, and/or development of a central nervous system in an animal or bird.

Group 2, claim(s) 2 and 4-13 (each in part), drawn to a method of *regulating axon guidance* in an animal or bird.

Group 3, claim(s) 3 and 4-13 (each in part), drawn to a method for facilitating the *repair* or replacement of axons in an animal or bird.

Group 4, claim(s) 14, 16, and 17 (each in part), drawn to a genetically modified animal producing **reduced levels** of an Eph receptor or ligand thereof or their functional equivalents.

Group 5, claim(s) 15, 16, and 17 (each in part), drawn to a genetically modified animal producing **elevated levels** of an Eph receptor or ligand thereof or their functional equivalents.



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Group 6, claim(s) 18-20, drawn to a **composition** useful in facilitating regeneration, growth, and/or development of a control nervous system or regulating axon guidance or facilitating repair or replacement of axons or repair of nervous tissue.

- 4. The inventions listed as Groups I, II, III, IV, V, and VI do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:
- 5. Group I recites the technical feature of facilitating regeneration, growth, and/or development of a central nervous system in an animal or bird, which is not required by the other Groups II, III, IV, V, or VI.
- 6. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- 7. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, separate search requirements, and/or different classification, restriction for examination purposes as indicated is proper.
- 8. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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## Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Christopher James Nichols**, **Ph.D.** whose telephone number is 703-305-3955. The examiner can normally be reached on Monday through Friday, 8:00AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Gary Kunz**, **Ph.D.** can be reached on 703-308-4623. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9307 for After Final communications. The fax phone numbers for the customer service center is 703-872-9305

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0196.

CJN July 1, 2003

SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600